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Letter dated 10 May 2017 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to convey the following:

The Chairperson of the African Union Commission sent you a letter, dated 27 April 2017, concerning the question of the Moroccan Sahara (see S/2017/405, annex).

Firstly, I would like to recall the triumphant and historic return of Morocco to its natural institutional family, the African Union, thanks to the active support of the overwhelming majority of African countries. Its return, which was decided by consensus during the African Union Summit in January 2017, was warmly welcomed by the entire international community.

The return of Morocco to the African Union will strengthen South-South cooperation among African countries; increase support for African Union strategies for the continent's economic, social and sustainable development; aid the fight against terrorism; and enhance cooperation for sustaining peace, stability, good-neighbourliness and unity of African countries.

On the question of the Moroccan Sahara, the Kingdom of Morocco reiterates its position, which has remained unchanged for decades and has already been transmitted officially to your predecessors, to the Security Council and to the General Assembly, that this issue falls within the exclusive remit of the United Nations, namely the Security Council. The regional dispute over the Moroccan Sahara is considered by the Council under Chapter VI of the Charter of the United Nations on the pacific settlement of disputes.

Consequently, Morocco reaffirms its categorical opposition to any involvement, in any form whatsoever, of the African Union in the question of the Moroccan Sahara and to any exchange, interaction or contact on this issue between the United Nations, its Secretariat or its bodies and the African Union, its bodies or its representatives, for the following objective reasons:

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- The United Nations assumed exclusive responsibility for dealing with the question of the Moroccan Sahara following the failure of the Organization of African Unity to resolve the dispute.

- The process of negotiations aimed at achieving a mutually acceptable political solution to the question of the Moroccan Sahara is conducted under the exclusive authority of the Security Council, under the auspices of the Secretary-General and with the assistance of his Personal Envoy.

- Successive Security Council resolutions, including resolution 2351 (2017), adopted on 28 April 2017, make no reference to the African Union. Those resolutions rightly confer no role or mandate whatsoever to the African Union, or to that organization's Peace and Security Council, in the political negotiations led by the United Nations.

- The Kingdom of Morocco is resolutely committed to cooperating with the African Union on all issues, with the sole exception of the question of the Moroccan Sahara. The reason for this exception is that, for many years, the African Union has blatantly adopted a stance in favour of the other parties. In doing so it has departed from the requirement to remain neutral on this issue and has fully adopted their assertions.

- It is hardly conceivable that the African Union Commission is unaware that, in every Security Council resolution on the Moroccan Sahara since resolution 1754 (2007), the Council has welcomed the "serious and credible Moroccan efforts to move the process forward towards resolution" through the Moroccan autonomy proposal.

- The position of the African Union, which seeks to revive outdated plans that were considered inapplicable by the United Nations and were disregarded by the Security Council, is contrary to the resolutions in which the Council calls for a negotiated and mutually acceptable political solution, on the basis of realism and a spirit of compromise.

- Moreover, its position is at odds with that of two thirds of the members of the African Union which do not recognize the so-called "Sahrawi Arab Democratic Republic".

- The Commissioner for Peace and Security of the African Union, a post that, since its establishment, has been occupied exclusively by Algerian diplomats, echoes the views of the other parties and is conducting an ongoing aggressive and hostile campaign against the Kingdom of Morocco.

- The reports of the African Union Commission and the resulting communiqués issued by its Peace and Security Council demonstrate a flagrant bias on the question of the Sahara. A simple comparison between the Secretary-General's report (S/2017/307) and the report of the African Union Commission on the question of the Sahara highlights discrepancies in terms of content, approach and treatment of developments in the case.

- The Secretary-General's report focuses on recent developments and the search for a negotiated political solution. In contrast, the report of the African Union Commission remains mired in the past and adopts an approach based on conflict and confrontation. Moreover, its biased and unbalanced content advocates a specific position. There is a similar discrepancy with regard to the role of neighbouring States, in particular Algeria. While the Secretary-General's report states that "Algeria and Mauritania can and should make important contributions to this process", the Commission's report makes no mention of any role or any responsibility of Algeria in the dispute.

- The Organization of African Unity prejudged the outcome of the political negotiations conducted under the exclusive authority of the Security Council by admitting, within its membership, a self-proclaimed entity that has no attribute of sovereignty and is not recognized by the United Nations or by any other regional or subregional organization.

Furthermore, and contrary to the misleading interpretations of the other parties, the return of Morocco to the African Union can in no way be interpreted as recognition of the so-called "Sahrawi Arab Democratic Republic", neither from the point of view of international law nor on the basis of United Nations practice. Morocco will never recognize that entity. The overwhelming majority of States members of the African Union do not recognize it either.

With regard to the meeting of the Peace and Security Council held on 20 March 2017, which is mentioned in the letter from the Chairperson of the Commission, I should like to emphasize the following:

- The other parties have a habit of stepping up their manoeuvring the day before the annual meeting of the Security Council on the question of the Moroccan Sahara, held in April, in order to exert pressure on the Council.
- The Algerian Commissioner for Peace and Security of the African Union abuses his role by using the Peace and Security Council to advance his own anti-Moroccan agenda and his country's position on the question of the Moroccan Sahara.
- The communiqué issued after the above-mentioned meeting lacks objectivity and shows a blatant political bias. Its content is completely at odds with the resolutions of the Security Council, which has exclusive responsibility for the issue of the Moroccan Sahara.
- Morocco sent a note verbale to the African Union Commission (see annex) clearly setting out its position regarding consideration of the question of the Moroccan Sahara by the Peace and Security Council and stating that this issue is dealt with exclusively by the Security Council. In his communiqué, the Chairperson of the Commission deliberately omitted to refer to the note verbale and to the Moroccan position, thereby confirming the Commissioner's bias, insidious manoeuvring and diplomatic crusade against Morocco.
- Instead of following the example set by Morocco, which is working to promote inter-African cooperation and integration in the economic, social, humanitarian and political spheres, the other parties persist in their attempts to divide Africa by forcing "communiqués" on the issue of the Moroccan Sahara which are no reflection whatsoever of the positions of the overwhelming majority of African countries and which are designed to undermine the political process conducted under the sole authority of the Security Council, under the auspices of the Secretary-General and with the assistance of his Personal Envoy.

The Security Council is continuing its efforts to achieve a negotiated solution to the dispute, as demonstrated by resolution 2351 (2017), in which the Council strongly reiterates the final parameters of the political solution, which were established by the Council in 2007, and urges neighbouring countries to make important contributions to the United Nations political process.

Lastly, I would like to reaffirm the irrefutable commitment of the Kingdom of Morocco to work, in good faith, with you and your next Personal Envoy, to reach a negotiated political solution to the regional dispute over the Moroccan Sahara,

within the parameters established by the Security Council in its successive resolutions since 2007.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(*Signed*) Omar **Hilale**
Ambassador
Permanent Representative

Annex to the letter dated 10 May 2017 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

Note verbale dated 19 March 2017 from the Embassy of the Kingdom of Morocco in Addis Ababa to the African Union Commission

The Embassy of the Kingdom of Morocco in Addis Ababa presents its compliments to the African Union Commission and, in reference to its note verbale No. PSD/106/1/42265.17 inviting the Kingdom of Morocco to participate in the briefing on the Sahara scheduled for 20 March, wishes to draw its attention to the following:

- A founding member of the pan-African body, the Kingdom of Morocco is returning to its natural place within its African institutional family;
- The return of Morocco to the African Union is driven by its resolve to contribute to African Union strategies for the development and growth of Africa and its commitment to the continent's unity, peace and security;
- The United Nations Security Council is seized of the question of the Sahara and it is the subject of a political process under the auspices of the Secretary-General of the United Nations. Under Article 12, paragraph 1, of the Charter of the United Nations, the Security Council continues to exercise its functions in respect of this dispute to seek a negotiated and mutually acceptable political solution;
- In this regard, African Union bodies are invited to support this process and henceforth to adopt a position in line with the treatment of the question of the Sahara at the United Nations, at this time when Morocco is returning to the African family;
- The African Union Peace and Security Council, as an African Union body, is invited to adopt a neutral and objective position in its treatment of the question of the Sahara;
- The Kingdom of Morocco hopes that the African Union will avoid any position that could jeopardize the smooth conduct of the process, especially in the light of the election of a new Secretary-General of the United Nations and a new Chairperson of the African Union Commission.

The Embassy of the Kingdom of Morocco in Addis Ababa takes this opportunity to convey to the African Union Commission the renewed assurances of its highest consideration.